IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE S.SIRI JAGAN

MONDAY, THE 1ST OCTOBER 2007 / 9TH ASWINA 1929

WP(C).No. 31663 of 2005(T)

PETITIONER:

THE MANAGER,
THE SOUTH KODIYATHUR AIDED U.P. SCHOOL,
KODIYATHUR P.O., KOZHIKODE DISTRICT.

BY ADV. SRI.M.K.DAMODARAN (SR.)

RESPONDENTS:

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1. THE STATE OF KERALA,
REPRESENTED BY THE SECRETARY TO GOVERNMENT,
GENERAL EDUCATION DEPARTMENT, TRIVANDRUM.

2. THE DIRECTOR OF PUBLIC INSTRUCTION,
TRIVANDRUM.

3. THE ASSISTANT EDUCATIONAL OFFICER,
MUKKOM, KOZHIKODE.

4. THE MANAGER,
SALAFI PRIMARY SCHOOL, SOUTH KODIYATHUR,
MUKKOM, KOZHIKODE-673 602.

BY ADV. SRI.M.S.UNNIKRISHNAN
GOVERNMENT PLEADER SRI. BASANT BALAJI

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 01/10/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

W.P.(C)NO.31663 OF 2005

EXT.P1: COPY OF THE OBJECTION FILED BY THE PETITIONER BEFORE THE ASSISTANT EDUCATIONAL OFFICER DATED 25.7.2003.

EXT.P2: COPY OF THE OBJECTION FORWARDED BY THE LEARDER OF OPPOSITION ON 5.3.2004.

EXT.P3: COPY OF THE RESOLUTION PASSED BY THE PANCHAYAT DATED 12.2.2004.

EXT.P4: COPY OF THE RESOLUTION FORWARDED TO THE CHIEF MINISTER BY THE PANCHAYAT ON 16.2.2004.

EXT.P5: COPY OF THE COMMUNICATION ISSUED BY THE GOVERNMENT TO THE PRIVATE SECRETARY OF THE LEADER OF OPPOSITION ON 24.3.2004.

EXT.P6: COPY OF THE OBJECTION BY THE TEACHERS OF THE PETITONER SCHOOL FORWARDED BY THE LEADER OF OPPOSITION TO MINISTER FOR LAW ON 7.7.2005.

EXT.P7: COPY OF THE COMMUNICATION ISSUED FROM THE OFFICE OF THE MINISTER FOR EDUCATION TO THE LEADER OF OPPOSITION ON 20.7.2005.

EXT.P8: COPY OF THE COMMUNICATION ISSUED BY THE 1ST RESPONDENT TO THE 2ND RESPONDENT ON 23.7.2005.

EXT.P9: COPY OF THE ORDER ISSUED BY THE GOVERNMENT GRANTING RECOGNITION TO THE 4TH RESPONDENT ON 13.10.2005.

EXT.R4(A): COPY OF THE ORDER DATED 31.12.2005 ISSUED BY THE AEO, MUKKAM.

EXT.R4(B): COPY OF THE RELEVANT PAGE OF THE INSPECTION REPORT OF THE AEO, MUKKAM DATED 7.6.2006.

EXT.R4(C): COPY OF THE ORDER DATED 31.7.2006 ISSUED BY THE AEO, MUKKAM.

EXT.R4(D): COPY OF THE RELEVANT PAGE OF THE VISITORS REPORT DATED 30.10.2006.

TRUE COPY

PA TO JUDGE.

S. SIRI JAGAN, J.

W.P.(C)No.31663 OF 2005

Dated this the 1st day of October, 2007

JUDGMENT

The petitioner's contention in this writ petition is that although the Government has granted recognition for the 4th respondent's school at Mupparichalil, the 4th respondent is conducting the school at Kodiyathur.

2. The learned counsel appearing for the 4th respondent submits that his school is functioning at Mupparichalil itself although earlier with permission from the A.E.O. he was conducting the school at Kodiyathur where the school was functioning before recognition, from 1996 onwards.

3. The learned counsel for the petitioner submits that the petitioner is only interested in seeing that the 4th respondent does not conduct the school at Kodiyathur.

4. The learned counsel for the 4th respondent assures the Court that the entire school has been shifted from Kodiyathur to

Mupparichalil and the 4th respondent has no intention to conduct any classes at Kodiyathur. Both sides would be satisfied, if this is recorded and the writ petition is closed. Ordered accordingly.

S. SIRI JAGAN, JUDGE

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